

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

**In Re: 18-10074-cab
Gregory E. Lawson
Debtor**

) **Chapter 7 Proceeding**
)
) **April 5, 2018**

STIPULATED MOTION FOR RELIEF FROM THE AUTOMATIC STAY

Nationstar Mortgage LLC d/b/a Mr. Cooper (hereinafter “the Movant”) moves this Court to enter an order granting it relief from the automatic stay provisions of 11 U.S.C. § 362 upon the following grounds:

1. A petition under Chapter 7 of the United States Bankruptcy Code was filed with respect to the Debtor on February 14, 2018.
2. On October 24, 2006, Lawson, Gregory E. executed a promissory note in the original principal amount of \$135,000.00 in favor of H&R Block Mortgage Corporation. A copy is attached hereto as Exhibit A. The Movant is in possession of the original note and is entitled to enforce said note and mortgage.
3. To secure said note, Lawson, Gregory E. mortgaged to H&R Block Mortgage Corporation the premises known as 21 Country Way, Barre, Vermont, 05641, by virtue of a mortgage, dated October 24, 2006 and recorded November 3, 2006 in Volume 235 at Page 655 of the Washington County Land Records. A copy is attached hereto as Exhibit B.
4. All rights and remedies under the Mortgage have been assigned to the Movant pursuant to an assignment of mortgage. A copy of the assignment(s) of mortgage is attached hereto as Exhibit C.

5. Upon information and belief, the subject property was owned by the Debtor as of the date of the filing of the petition.

6. The Debtor's Statement of Intentions indicates that the Debtor is surrendering the property.

7. There is no other collateral to secure the Note.

8. As of February 19, 2018, the loan is contractually due for the January 1, 2010 payment and the outstanding balance on said note and mortgage owed the Movant was \$247,587.30, plus interest, late charges, collection costs, and reasonable attorney's fees.

9. Schedule C of the Debtor's Voluntary Petition does not list an exemption for the subject property.

10. Schedule A of the Debtor's Voluntary Petition lists the value of the premises as \$163,720.00.

11. The estimated total encumbrances on the subject property is \$247,587.30.

12. Pursuant to 11 U.S.C. § 362(d)(1), cause exists for relief from the automatic stay for the following reasons:

(a) Movant's interest in the Property is not adequately protected.

13. Pursuant to 11 U.S.C. § 362(d)(2)(A), Debtor has no equity in the Property; and pursuant to § 362(d)(2)(B), the Property is not necessary for an effective reorganization.

14. Based on the facts set forth in this motion, the Movant also requests that this court order that Bankruptcy Rule 4001(a)(3) is not applicable so that Movant may immediately enforce and implement the requested order modifying the automatic stay.

15. Prior to the filing of the motion opposing counsel was contacted to attempt to obtain a stipulation to the relief sought.

16. The Debtor, through counsel, and the Trustee have consented to the relief sought in this motion.

17. The Movant hereby gives notice that upon the granting/consideration of this motion, it may assess the Debtor's account with reasonable attorney's fees and costs in connection with the preparation, filing, and prosecution of this Motion for Relief from Stay. Said note and mortgage identified previously herein contain provisions allowing the Movant to collect reasonable attorney's fees and costs in connection with enforcing the note and mortgage. In the event the Debtor receives a discharge, such fees and costs shall be non-recourse against the Debtor unless included in a reaffirmation agreement.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

1. Relief from the stay allowing Movant and any successors or assigns to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.
2. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.

3. For such other relief as the Court deems proper.

Nationstar Mortgage LLC d/b/a Mr. Cooper


By /s/Andrew S. Cannella

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